

**SENATE JOURNAL  
65TH LEGISLATURE  
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 20, 2017

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by President Sales. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Buttrey, Fielder and Small, excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 1/20/2017

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixth, seventh, eighth, ninth, and tenth legislative days, find the same to be correct.

Correctly printed: **SB 3, SB 14, SB 16, SB 24, SB 34, SB 39, SB 40, SB 46, SB 79, SB 89, SB 129, SB 131, SB 132, SB 133, SB 134, SR 3, SR 4, SR 5, SR 6.**

Correctly engrossed: **SB 2, SB 80, SB 83, SB 85.**

Transmitted to the House: **SB 22, SB 26, SB 28, SB 29, SB 52, SB 81, HB 1.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Brown, Vice Chair): 1/19/2017  
**SB 72**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "AUTHORITY;"

**Insert:** "PROVIDING FOR TRANSFERS;"

2. Title, page 1, line 7.

**Strike:** "AN IMMEDIATE EFFECTIVE DATE"

**Insert:** "EFFECTIVE DATES"

3. Page 4, line 27.

**Following:** "must be deposited"

**Insert:** ", up to a maximum of \$250,000 for each fiscal year,"

4. Page 5, line 14.

**Following:** line 13

**Insert:** "NEW SECTION. Section 9. Transfer of funds. (1) By July 15, 2017, and July 15, 2018, the state treasurer shall transfer \$125,000 from the funds collected pursuant to 76-13-201 to the presumptive disease compensation account established in [section 5].

(2) By July 15, 2017, and July 15, 2018, the state treasurer shall transfer \$125,000 from the

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trust land administration account established in 77-1-108 to the presumptive disease compensation account established in [section 5]."

**Renumber:** subsequent sections

5. Page 5, line 21.

**Strike:** section 11 in its entirety

**Insert:** "NEW SECTION. **Section 12. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2017.

(2) [Section 8] is effective July 1, 2019."

And, as amended, do pass.

**ENERGY AND TELECOMMUNICATIONS** (Connell, Vice Chair):

1/19/2017

**SB 7**, do pass.

**SB 11**, do pass.

**SB 32**, do pass.

**SB 36**, do pass.

**SB 101**, do pass.

**SJ 2**, do pass.

Without objection, the committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/19/2017

**HB 41**, introduced by J. Keane

**HB 43**, introduced by D. Fern

**HB 45**, introduced by K. Dudik

**HB 55**, introduced by D. Loge

**HB 105**, introduced by F. Garner

**HB 130**, introduced by Z. Perry

**HB 131**, introduced by Z. Perry

**HB 146**, introduced by D. Zolnikov

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 135**, introduced by E. McClafferty, M. Caferro, A. Curtis, S. Malek, G. Pierson, J. Price, G. Vuckovich, C. Wolken, referred to Education and Cultural Resources.

**SB 136**, introduced by T. Facey, referred to State Administration.

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The following Senate bills were introduced and read first time:

**SB 137**, introduced by D. Ankney, F. Thomas.

**SB 138**, introduced by D. Ankney, F. Thomas.

**SB 139**, introduced by D. Ankney, J. Cohenour, V. Court, G. Custer, M. Dunwell, F. Garner, E. Greef, B. Harris, L. Jones, K. Kelker, E. McClafferty, T. Richmond, D. Salomon, R. Shaw, S. Stewart-Peregoy, P. Webb, J. Welborn, T. Welch.

**SB 140**, introduced by D. Ankney.

**SB 141**, introduced by S. Malek.

**SB 142**, introduced by T. Facey.

The following Senate joint resolution was introduced and read first time:

**SJ 6**, introduced by D. Ankney, F. Anderson, N. Ballance, D. Bartel, S. Berglee, M. Blasdel, R. Brodehl, B. Brown, T. Burnett, P. Connell, G. Custer, A. Doane, R. Ehli, R. Fitzgerald, T. Gauthier, E. Greef, B. Grubbs, B. Harris, A. Hertz, G. Hertz, S. Hinebauch, J. Hinkle, K. Holmlund, M. Hopkins, B. Hoven, D. Howard, D. Jones, J. Keane, C. Knudsen, D. Lenz, D. Loge, W. McKamey, F. Moore, D. Mortensen, M. Noland, J. O'Hara, A. Redfield, K. Regier, M. Regier, V. Ricci, R. Shaw, D. Skees, S. Staffanson, F. Thomas, J. Trebas, B. Tschida, B. Usher, C. Vincent, S. Vinton, K. Wagoner, K. White, D. Zolnikov.

The following House bills were introduced, read first time, and referred to committees:

**HB 41**, introduced by J. Keane (by request of the Department of Transportation), referred to Highways and Transportation.

**HB 43**, introduced by D. Fern (by request of the Department of Revenue), referred to Taxation.

**HB 45**, introduced by K. Dudik (by request of the Department of Justice), referred to Judiciary.

**HB 55**, introduced by D. Loge (by request of the Department of Transportation), referred to Highways and Transportation.

**HB 105**, introduced by F. Garner (by request of the Board of Physical Therapy Examiners), referred to Public Health, Welfare and Safety.

**HB 130**, introduced by Z. Perry (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.

**HB 131**, introduced by Z. Perry (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.

**HB 146**, introduced by D. Zolnikov, referred to Highways and Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hinkle in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on

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second reading, recommend as follows:

**HB 1** - Senator L. Jones moved **HB 1** be concurred in.

**HB 1** - Senator Facey moved **HB 1**, second reading copy, be amended as follows:

1. Page 1, line 15.

**Strike:** "\$3,799,565"

**Insert:** "\$3,765,715"

2. Page 1, line 16.

**Strike:** "\$6,121,251"

**Insert:** "\$6,095,101"

3. Page 1, line 17.

**Strike:** "\$1,127,776"

**Insert:** "\$965,776"

Amendment **failed** as follows:

Yeas: Barrett, Caferro, Cohenour, Facey, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Moe, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.

Total 20

Nays: Ankney, Blasdel, Brown, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 27

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Small.

Total 3

**HB 1** - Thereupon, the Senate reverted to the original motion of Senator L. Jones which passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Connell, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, Moe, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 38

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Nays: Caferro, Cohenour, Facey, Hinebauch, Malek, McNally, Pomnichowski, Sands, Vuckovich.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Buttrey, Fielder, Small.  
Total 3

**SB 41** - Senator Moore moved **SB 41** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Buttrey, Fielder, Small.  
Total 3

**SB 33** - Senator Hoven moved **SB 33** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.  
Total 36

Nays: Barrett, Caferro, Cohenour, MacDonald, Malek, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford.  
Total 11

Absent or not voting: None.  
Total 0

Excused: Buttrey, Fielder, Small.  
Total 3

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**SB 90** - Senator Swandal moved **SB 90** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Small.

Total 3

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Hinkle moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Small.

Total 3

**MOTIONS**

Majority Leader Thomas moved the Senate suspend Rules S40-40 and S50-190 to allow **HB 1** to be placed on third reading this date. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick,

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Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Small.

Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 1** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Connell, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, Moe, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 39

Nays: Caferro, Cohenour, Facey, Hinebauch, Malek, McNally, Pomnichowski, Sands.

Total 8

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Small.

Total 3

**SB 3** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.

Total 44

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Nays: Smith F, Vuckovich, Whitford.

Total 3

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Small.

Total 3

**SB 16** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Small.

Total 3

**SB 24** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Small.

Total 3

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**SB 40** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Connell, Facey, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 45

Nays: Cohenour, Gauthier.

Total 2

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Small.

Total 3

**SB 46** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Small.

Total 3

**MOTIONS**

Majority Leader Thomas moved that **SB 2** be taken from the second reading board and re-referred to the Judiciary Committee.

Without objection, so ordered.

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**SPECIAL ORDERS OF THE DAY**

Senator Blasdel thanked the Pages for their service this week.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, January 23, 2017, the 16th legislative day. Motion carried.

Senate adjourned at 2:04 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate